

2011 Legislative Session
Bills of Interest to the Courts & Probation
102nd Legislature – First Session

BILL NO.	DESCRIPTION AND SUMMARY OF BILL	EFF. DATE
LB 12	<p>Eliminate "without parole" provisions relating to life imprisonment</p> <p>Removes the “without parole” portion of the current life imprisonment without parole penalty that Class IA felonies currently receive. Repeals statutes unconstitutionally enacted during Special Session in 2002 because it was determined by the Nebraska Supreme Court in State v. Conover to be outside the Governor's call.</p>	8/27/2011
LB 15	<p>Change district court execution of judgment provisions</p> <p>The clerk of the district court may issue execution on a judgment and direct the execution on the judgment to any county in the state. May request that garnishment, attachment, or any other aid to execution be directed to any county without the necessity of filing a transcript of the judgment in the receiving county. A lien against real estate requires a transfer of the judgment to the county where the property is located.</p>	8/27/2011
LB 17	<p>Change civil procedure complete court record provisions</p> <p>Requires a complete record of every case filed; in paper form or microfilm and on the state's electronic case management system.</p>	1/1/2012
LB 19	<p>Prohibit the use of certain drug substances as prescribed, K-2</p> <p>Adds to Schedule 1 of the Controlled Substances Act any material, compound, mixture, or preparation containing any detectable quantity of synthetically produced cannabinoids. Makes such substances unlawful to possess. Punishment for such offense shall be equal to those of possession of marijuana.</p>	2/22/2011
LB 20	<p>Regulate the sale of methamphetamine precursors</p> <p>Sales of methamphetamine precursors shall be reported to the National Precursor Log Exchange. If the exchange generates a stop-sale alert, the seller shall not complete the sale unless the seller has a reasonable fear of imminent bodily harm. Good faith efforts may give seller immunity from civil action.</p> <p>Effective 1/1/2013, a seller that knowingly fails to submit methamphetamine precursor information to the exchange or knowingly submits incorrect information to the exchange shall be guilty of a Class IV misdemeanor.</p>	1/1/2012, except certain portions
LB 41	<p>Change Game Law provisions</p> <p>Allows multiple year hunting, fishing, and hunting/fishing permits for NE residents. Free permits to veterans. Defines raptors and allows raptor collecting permits; establish penalties for violations.</p>	8/27/2011

LB 61	Change and provide penalties relating to unlawful intrusion Increase penalty for intrusion on seclusion from class III to class I misdemeanor or class IV felony if the intrusion is recorded, or class III if the intrusion is recorded and distributed to another person or otherwise made public.	8/27/2011
LB 67	Seat belt and other protection system changes Driver must ensure all children 6 – 18 have seatbelts.	8/27/2011
LB 94	Allow petitioners for adoption of a state ward to read the child's case file The bill allows after the filing of a petition for adoption and before the entry of a decree of adoption for a child who is committed to the Department of Health and Human Services, the person or persons petitioning to adopt the child shall be given the opportunity to read the case file on the child maintained by the Department or its duly authorized agent. The Department shall provide a document for such person's or persons' signatures verifying that they have been given an opportunity to read the case file. The Department shall file such document with the court prior to the entry of a decree of adoption in the case. This subsection shall only apply to adoptions when the petition for adoption is filed on or after the effective date of this act.	8/27/2011
LB 100	Change provisions relating to the criminal responsibility of intoxicated persons and the insanity defense For intoxication to be taken into account in determining the existence of a mental state as an element of a criminal offense, the defendant must prove by clear and convincing evidence, that he or she did not (1) know that it was an intoxicating substance when he or she ingested, inhaled, injected, or absorbed the substance causing the intoxication or (2) ingest, inhale, inject, or absorb the intoxicating substance voluntarily. Also provides that insanity does not include voluntary intoxication.	8/27/2011
LB 111	Mental health boards may include licensed clinical social worker, licensed mental health practitioner who is not social worker Adds possible members to mental health boards.	8/27/2011
LB 124	Provide for cultural history information in adoption records The judge shall require in all adoption cases, that complete medical history or histories shall include the race, ethnicity, nationality, Indian tribe, or other cultural history of both biological parents, if available.	8/27/2011
LB 137	Change provisions relating to post-conviction relief A prisoner in custody under sentence and claiming a right to be released on the ground that there was such a denial or infringement of the rights of the prisoner as to render the judgment void or voidable under the Constitution of this state or the Constitution of the United States, may file a motion within one year after the date the judgment of conviction became final. Currently there is no time limit to file such a motion. The bill also provides a new one-year window for such motions regarding convictions occurring prior to the effective date of the act.	8/27/2011

LB 151	Change location, hearing, and document provisions of the Nebraska Workers' Compensation Court Removes requirement that the Workers' Compensation Court keep its records at its office in the State Capitol. Provides for telephonic or video-conference hearings that are non-evidentiary hearings or for certain evidentiary hearings. Changes when an action may be dismissed. Decisions are appealed to the Court of Appeals. Three-judge review panel is eliminated.	5/24/2011
LB 152	Change applicability of a medical fee schedule under the Nebraska Workers' Compensation Act Trauma services inpatient hospital fee schedule established under 48-120.04.	8/27/2011
LB 157	Change guardianship and conservatorship provisions and adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Click here for more information on bill provisions.	1/1/2012
LB 177	Change foster care provisions Relating to foster care; to provide for kinship guardianships, notification of relatives when a child is removed from the home; require reasonable efforts for joint-sibling placement or sibling visitation or ongoing interactions, and provide for a written independent living transitional proposal from foster care.	8/27/2011
LB 226	Create the offense of assault with a bodily fluid against a public safety officer Any person who knowingly and intentionally strikes a public safety officer with any bodily fluid or who throws, propels, expels, or emits any bodily fluid in the direction of any public safety officer, is guilty of assault with a bodily fluid against a public safety officer. Provides for a penalty. Provides for issuance of a search warrant after a showing of probable cause by affidavit.	8/27/2011
LB 284	Change provisions relating to unlawful picketing of a funeral Increases limit for picketing funerals to 500 feet.	8/27/2011
LB 309	Provide for reapportionment of special assessments made by a city of the first class, city of the second class, or village as prescribed A city of the first or second class, or a village, may reapportion the special assessment which has been levied against a tract of land and that land was subsequently divided into other separate lots or tracts. The owner of the tract may move for such reapportionment or the governing body may do it on its own motion. Provides for a notice, hearing, and appeal procedures. Special assessments can be appealed to district court.	5/17/2011
LB 423	Changes tax foreclosure provisions related to liens against Sanitary & Improvement Districts The lien on real estate for special assessment levied by SID is not included unless previously offered for sale by treasurer.	8/27/2011

LB 462	Change provisions relating to trade names In actions regarding trade names a court may require defendants to pay statutory damages of \$1,000 in addition to other remedies already available for wrongful use, display or sale of any counterfeits or imitations. Repeals section making it an offense to fail to register a trade name.	8/27/2011
LB 463	Change juvenile penalty, records, service plan, probation sanctions, and truancy provisions Click here for additional legislative description.	8/27/2011 except certain portions
LB 500	Interference with views of motor vehicle operator new offense. Unlawful obstruction of view of driver is an infraction. Penalties include loss of 1 point and \$50 fine for 1 st offense, \$100 fine for 2 nd , and \$150 fine for 3 rd and subsequent offenses.	8/27/2011
LB 512	Change provisions relating to mental health determinations regarding the possession and purchase of handguns Clerk of Court will provide NSP as soon as possible, but within 30 days notice. An order of commitment or discharge or removal of firearm-related disabilities as defined.	1/1/2012
LB 521	Remote abortions Class IV felony for provider, no penalty for patient	8/27/2011
LB 524	Actions relating to savings promotions may be filed with Lancaster County District Court	8/27/2011
LB 590	Failure to comply with cigarette tax is a misdemeanor with civil penalties Gov. to speak to tribes August 2011, penalty provision 1/1/2013.	1/1/2013, except certain portions
LB 637	Attorney general or county attorney can bring criminal or civil action for violation of post-secondary institution act	5/4/2011
LB 648	Change provisions relating to notice for foster care reviews and hearings The Department of Health and Human Services or contract agency shall have the contact information for all child placements available for all courts within 72 hours of a placement change. Provides for DHHS and contract agencies to have certain phone numbers of certain people; within 72 hours. Provides for mailed notice 5 days prior to hearing of all court reviews and hearings. Provides that the court shall inquire into the well-being of the foster child by asking questions, if present at the hearing, of any willing foster parent, pre-adoptive parent, or relative providing care for the child. Removes presumption that the Department's case plan is in the child's best interest.	8/27/2011
LB 665	Change provisions relating to criminal child enticement No person, by any means and without privilege to do so, shall solicit, coax, entice, or lure or attempt to solicit, coax, entice, or lure any child under the age of fourteen years to enter into any place with the intent to seclude the child from his or her parent, guardian, or other legal custodian or the general public, whether or not the person knows the age of the child. Provides that seclude means to take, remove, hide, secrete, conceal, isolate, or otherwise unlawfully separate.	5/11/2011

LB 667	<p>Change provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation</p> <p>Click here for additional information.</p>	1/1/2012
LB 669	<p>Change small claims, county court, district court, & juvenile court provisions</p> <p>Click here for additional information.</p>	8/27/2011 except certain portions
LB 673	<p>Change support liens and provide for military parents and children in cases of divorce</p> <p>Guidelines for visitation during military parent's mobilization or deployment and temporary orders after notice of potential deployment. Any delinquency or arrearage of support payments shall be determined as provided in subsection (2) of section 42-358.02; If the court orders a release or subordination of child or spousal support judgment lien, the court shall order a judgment creditor who, without a good faith reason, refused to execute a release or subordination to pay the judgment debtor's court costs and attorney's fees involved with the application brought under this subdivision. A showing that all support payments are current shall be evidence, but not prima facie evidence that the judgment creditor did not have a good faith reason to refuse to execute such release or subordination.</p>	8/27/2011
LB 675	<p>Provide and change penalties and enforcement relating to driving under the influence and the duty to stop at motor vehicle accidents and create an offense relating to certain controlled substances</p> <p>Increases DUI fines. Any person who provides a sample of bodily fluid pursuant to section 60-6,197 containing any amount of a Schedule I or Schedule II controlled substance (unless legally entitled to use it) as provided in section 28-405 commits a class I misdemeanor. Increases enhancement due to previous conviction to 15 years. Provides that persons with certain convictions commit a class I misdemeanor when operating a vehicle with a .02 BAC. Mandatory 5 years of imprisonment for a current conviction of DUI with a .15 BAC when the offender had four or more prior DUIs.</p>	8/27/2011
LB 690	<p>Change consent & parental notification provisions regarding abortion</p> <p>Requires written consent of parents or guardian prior to abortion upon pregnant woman 18 years of age or less unless court determines woman mature and well informed enough to make decision or woman has been the victim of sexual abuse by parent/guardian. Proceedings must insure anonymity. Forms provided by AOC.</p>	8/27/2011
LB 699	<p>Change boundaries of Supreme Court and Court of Appeals judicial districts</p> <p>Click here for maps and descriptions.</p>	5/26/2011